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direct-to-home satellite service,<sup>7/</sup> equipment manufacturers,<sup>8/</sup> and public interest groups representing the deaf.<sup>9/</sup> This broad support for mandatory insertion of captioning *at the source* is consistent with Congressional intent and thus is the appropriate foundation for any closed captioning rules adopted in this proceeding.<sup>10/</sup>

WCA also recommended that any closed captioning regulations ultimately adopted by the Commission should specifically exempt any ITFS programming carried by a wireless cable system.<sup>11/</sup> In this regard, it is worth noting that public broadcasting stations, who often are better funded than most sources of ITFS programming, have similarly suggested that they be accorded

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<sup>5/</sup>(...continued)

of Capital Cities/ABC, Inc., MM Docket No. 95-176, at 11-12 (filed March 15, 1996); Comments of National Broadcasting Company, Inc., MM Docket No. 95-176, at 12 (filed March 15, 1996).

<sup>6/</sup>See Comments of the National Association of Broadcasters, MM Docket 95-176, at 8 (filed March 15, 1996); Joint Comments of Schwartz, Woods & Miller, MM Docket No. 95-176, at 14 (filed March 15, 1996).

<sup>7/</sup>See Comments of the Satellite Broadcasting and Communications Association, MM Docket 95-176, at 2 (filed March 15, 1996).

<sup>8/</sup>See Comments of EEG Enterprises, Inc., MM Docket No. 95-176, at 4-5 (filed March 15, 1996).

<sup>9/</sup>See Comments of the Association of Late-Deafened Adults, MM Docket No. 95-176, at 4 (filed March 14, 1996).

<sup>10/</sup>See H.R. Rep. 104-204, 104th Cong., 1st Sess. at 114 (1995) ["[I]t is clearly more efficient and economical to caption programming at the time of production and to distribute it with captions than to have each delivery system or local broadcaster caption the program."].

<sup>11/</sup>See WCA Comments at 6.

an exemption from the FCC's closed captioning requirements.<sup>12/</sup> WCA believes the comments of the public broadcasters accurately reflect the plight of educational programmers generally, and provide a basis for exempting not only ITFS licensees, but other providers of noncommercial educational programs as well. Indeed, while it is true that public television stations are subject to greater financial constraints than commercial stations (and thus should be eligible for any income-based exemption from the FCC's closed captioning requirements), many ITFS licensees are small colleges, high schools and local school boards that have even fewer financial resources at their disposal, and thus have an even more pressing need for a blanket exemption from any closed captioning rules adopted in this proceeding.

WCA notes that at least one commenting party appears to suggest that multichannel distributors of video programming should be responsible for captioning older syndicated programming that has not been captioned at the source (*e.g.*, "I Love Lucy").<sup>13/</sup> As already noted by WCA in its initial comments, it would be unreasonably burdensome and contrary to the intent of Congress to require every wireless cable operator in the United States to incur duplicative equipment, labor and administrative costs associated with providing closed captioning for potentially hundreds of programs over multiple channels.<sup>14/</sup> This is true regardless of whether the programming is new or "previously published." Accordingly, WCA submits that, as already

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<sup>12/</sup>See Joint Comments of Schwartz, Woods & Miller at 12-13; Comments of the Association of America's Public Television Stations, MM Docket 95-176, at 7-8 (filed March 15, 1996).

<sup>13/</sup>See Comments of the Electronics Industries Association/Consumer Electronics Manufacturers Association, MM Docket No. 95-176, at 6 (filed March 15, 1996).

<sup>14/</sup>See WCA Comments at 4-5; *see also* Comments of Bell Atlantic, at 6-8.

suggested by NBC, the burden of captioning “previously published” programming should be imposed on the national syndicator, cable network, home video distributor or other entity that holds the initial exhibition or distribution rights to the program, and not on wireless cable operators and other local multichannel distributors who only passively retransmit that programming to the viewer.<sup>15/</sup>

For similar reasons, WCA urges the Commission not to adopt record-keeping or reporting requirements for closed captioned programming.<sup>16/</sup> Such requirements clearly are unnecessary to spur the carriage of closed captioning, since as a general matter wireless cable systems already retransmit captioned programming intact.<sup>17/</sup> Moreover, given that any number of captioned programs may be carried on any number of wireless cable channels at any given time, the imposition of record-keeping and/or reporting requirements on wireless cable systems for closed captioned programming would increase significantly the administrative burdens on the wireless cable industry and the Commission, without any compensatory benefit to the public. WCA reiterates that for wireless cable systems that pass line 21 of the VBI, the Commission should at

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<sup>15/</sup>See Comments of NBC, at 13.

<sup>16/</sup>One commenting party has already suggested that the FCC impose reporting requirements for video description programming. See Additional Comments of The Metropolitan Washington Ear, MM Docket No. 95-176, at 2 (filed March 14, 1996).

<sup>17/</sup>See WCA Comments at 3. As discussed in WCA’s initial comments, the sole exceptions known to WCA involve situations where the scrambling system employed by the operator prevents the use of VBI line 21 for the transmission of closed captioning. *Id.* at 7. To avoid imposing on those systems a need to replace all subscriber set-top boxes and some headend equipment, WCA has requested that the Commission grandfather any wireless cable systems using scrambling technology that does not pass line 21 of the VBI. *Id.*

most impose closed captioning obligations no greater than those imposed on the wired cable industry, *i.e.*, the operator may not remove or alter closed captioning data on line 21, and must deliver that data intact and in a format that can be recovered and displayed by television sets with closed captioning capability.<sup>18/</sup>

Finally, WCA supports the recommendations of the Satellite Broadcasting and Communications Association ("SBCA") that the FCC not adopt any technical standards for carriage of closed captioned programming at this time. Like providers of multichannel direct-to-home satellite service, wireless cable systems which pass line 21 of the VBI retransmit closed captioned programming intact, without any effect on signal quality. Technical standards therefore are unnecessary to ensure that captioned programming is delivered to the subscriber without degradation of service.

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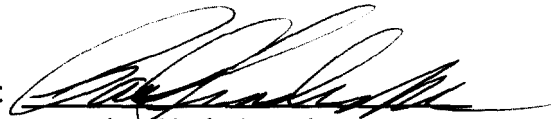
<sup>18/</sup>See WCA Comments, at 7

WHEREFORE, WCA supports the Commission's *NOI*, subject to the proposals set forth in WCA's initial comments and in these reply comments.

Respectfully submitted,

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